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Association of Fish and Wildlife Agencies

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Resolution 1998-02-09

SECOND REQUEST TO THE U.S. FISH AND WILDLIFE SERVICE TO REMOVE THE HARDSHIP ON INDIVIDUALS AND SMALL BUSINESS IN CONNECTION WITH LICENSE AND INSPECTION FEES IN THE EXPORT OF FUR PELTS

WHEREAS, the Fish and Wildlife Service on June 21, 1996, published a final rule eliminating the \$25,000 per annum value exemption which the Service had employed since 1984 in determining whether a particular business or individual is required to have a license to export wildlife products; and

WHEREAS, the principal justification offered for eliminating the small business exemption is that the Fish and Wildlife Service is seeking revenue to cover costs of administering its wildlife inspection program; and

WHEREAS, in the case of small export shipments by trappers, the costs of the export license and the inspection fee in many instances exceed the value of the shipment; and

WHEREAS, at its annual meeting in Omaha in September 1996, the International Association, pointing to the adverse economic effect of the fees on individual trappers, particularly in economically depressed rural areas, and the conservation benefits lost through the discouragement of regulated trapping by individuals, urged emergency action by FWS to rescind its ill-advised regulation; and

WHEREAS, by discouraging trappers, the license/inspection fees exacted by the Fish and Wildlife Service weaken State management programs that are designed to provide sustained harvest of furbearers for economic benefit, subsistence and outdoor recreation while serving also as an effective method for controlling damage caused by furbearers and reducing the spread of harmful diseases such as rabies; and

WHEREAS, in January 1998 the Fish and Wildlife Service proposed to grant ☐immediate relief☐to individuals and small business in a proposed rule published at 63 Fed. Reg. 3298 (January 22, 1998), wherein the Service acknowledged that it ☐may have underestimated the cumulative effect that the increased licensing and inspection fees may impose on small business and certain individuals,☐ requesting comment within sixty days on a new system that would grant immediate relief to all importers and exporters of wildlife products meeting certain criteria; and

WHEREAS, the January 22, 1998 Federal Register Notice recognized that relief to individuals and small business was appropriate, the proposed provisions failed to recognize the reality of fur market conditions and practices.

NOW THEREFORE, Be It Resolved by the International Association of Fish and Wildlife Agencies, at its 88th Annual Meeting in Savannah, GA, that:

(1) the Fish and Wildlife Services is urged to amend the January 22, 1998 proposal to exempt from its export licensing fee structure individuals and small businesses whose total shipments are valued at \$25,000.00 or less per year, regardless of whether the shipments contain furs that require a permit under 50 CFR, part 17 (Endangered and threatened wildlife and plants) or under 23 CFR part 23 (Endangered species convention);

(2) the proper role of such Fish and Wildlife Service programs is to complement, not undermine, primary State management of fish and resident wildlife. Where primary authority and responsibility for the conservation and management of species of fish and wildlife reside in the several States, the Service is urged to exercise more caution in administering its export licensing program so as to avoid weakening State programs through the establishment of fees or other conditions that discourage lawful activities integral to State wildlife management; and

(3) the principal concern of the Fish and Wildlife Service in its export licensing program should be conservation, not revenue generation.